

## PRESIDENT VETOES STATEHOOD, CALLS RECALL DANGEROUS

**In Strong Message to Congress He Rejects Measure Because It Strikes at Judiciary.**

**VOTE TO BE TAKEN FRIDAY ON MOTION TO OVERRULE HIM**

Recall of the judiciary was given a body blow when President Taft today vetoed the bill admitting Arizona and New Mexico to Statehood because the constitution of the former Territory contained such a provision.

With strong language, stronger even than that used in his Controller Bay message, Mr. Taft denounced the system of government that would "subject judges to momentary gusts of popular passion." He contended that the judiciary was the bulwark of the popular government and that to undermine this would be destructive and prove a menace to American liberties.

Sent to the House.

The message was sent to the House of Representatives shortly after noon. The Statehood bills originated in that body. By agreement between the Republicans and Democrats no vote will be taken on a motion to overrule the veto until Friday of this week.

The message was eagerly read by every member of the House and Senate. The original bill had passed with a sufficient vote, if it holds together, to annul the veto. Therefore Senators and Representatives looked for the message through for reasons which might operate to change enough votes to save the President the humiliation of a veto annulment.

Throughout the message the President makes it clear that he could not give even tacit approval to a measure which placed the judiciary of the country in jeopardy. He said that he consistently approved the Statehood bill even though under it Arizona would have to vote again before the recall could become a part of that Territory's fundamental law.

Then the President advances his argument why he could not weaken the American judiciary even in one State. He denies that popular government is government by majority and for majority. He says that it is government by majority for the whole people. Therefore the judges should not be placed at the mercy of majorities.

Full of Danger.

Answering the contention that the recall will be rarely needed, Mr. Taft says: "It is said that the recall will be rarely needed. If so, it will be rarely needed. Then why adopt a system that will be so full of danger?" The President said:

"If I sign this joint resolution, I do not see how I can escape responsibility for the judicial recall of the Arizona constitution."

"This provision in its application to county and State judges, seems to me so pernicious in its effect, so destructive of independence in the judiciary, so likely to subject the rights of the individual to the possible tyranny of a popular majority, and, therefore, to be so injurious to the cause of free government that I must disapprove a constitution containing it. Of course, a mere difference of opinion as to the wisdom of details in a State constitution could not lead me to set up my opinion against that of the people of the Territory. It is to be their government. But when such a constitution contains something so destructive of free government as the judicial recall, it should be disapproved."

"A popular government is not a government of a majority, by a majority, for a majority of the people. It is a government of the whole people, by a majority of the whole people, under such rules and checks as will secure a wise, just, and beneficent government for all the people. It is said you can always trust the people to do justice. If that means all the people and they all agree, you can. But ordinarily they do not all agree, and the maxim is interpreted to mean that you can always trust a majority of the people. This is not invariably true; and every limitation imposed by the people upon the power

### WEATHER REPORT

FORECAST FOR THE DISTRICT.  
Unsettled tonight and Wednesday. Little change in temperature.

TEMPERATURES.	
U. S. BUREAU.	AFLECK'S.
8 a. m. .... 77	8 a. m. .... 80
9 a. m. .... 81	9 a. m. .... 84
10 a. m. .... 86	10 a. m. .... 89
11 a. m. .... 88	11 a. m. .... 92
12 noon .... 88	12 noon .... 92
1 p. m. .... 79	1 p. m. .... 83
2 p. m. .... 78	2 p. m. .... 82

TIDE TABLE.  
Today—High tide, 11:41 a. m.; low tide, 6:50 a. m. and 6:58 p. m.  
Tomorrow—High tide, 12:06 a. m. and 12:23 p. m.; low tide, 6:41 a. m. and 6:41 p. m.

SUN TABLE.  
Rises..... 6:11 | Sets..... 6:57

## GRAHAM ASSAILS ADMINISTRATION IN HOUSE SPEECH

**Charges Taft's Controller Bay Reply Is Being Used as Campaign Matter.**

**SAYS DOCUMENTS ARE KEPT FROM HIM**

Papers on Which President Based Letter Not Available to Committee.

By THEODORE TILLER.

Declaring that President Taft's message of defense in the Controller Bay matter has been given the widest publicity, while the documents upon which it was based have never been furnished the House investigating committee, Chairman Graham, of the Committee on Expenditures in the Interior Department, made a speech today in answer to those Administration critics who have assailed the committee because it halted its inquiry until October.

Representative Graham arose on a question of personal privilege, but was given unanimous consent by the House instead.

Surprised the House.

The Illinois Representative, who took a leading part in the Bullough-Pinch investigation, surprised the House when he stated that he had information that President Taft's message of defense was being mailed in large quantities by Government clerks, and that it was also being distributed to rural newspapers in practically free plate matter. Mr. Graham said he was not at all surprised by these statements, but he declared that such information had reached him.

"Never for one moment," said Chairman Graham, "has the committee had any intention of abandoning this investigation. It has no such intention. It intends to go on in an orderly way and with proper dispatch and develop all the facts. Neither is the committee trying to assail any one. It seeks only to find the truth and to make it known to Congress and the people."

No Documents.

During his speech Representative Graham made the significant statement that although the President several weeks ago sent to the Senate a message defending his course in restoring to entry the lands on Controller Bay, it has been impossible for the House investigating committee to obtain the documents referred to in the President's message. They have not been printed for some reason, Mr. Graham told the House today.

"The President has sent to the Senate a lengthy statement of his side of the matter," said Mr. Graham, "which has been published far and wide, and which I am informed, although I cannot vouch for the truth of it, is being mailed to the country in large quantities by Government clerks, and is further circulated by means of practically free plate matter to country newspapers. So the President's denial will undoubtedly reach every citizen who saw or heard of the accusation, and probably will reach many who never saw or heard of it before."

Mr. Graham said that even the Secretary of the Interior admitted the necessity of having the documentary evidence in the case in the hands of the committee at an early date.

The chairman of the committee has tried repeatedly to get these printed documents from the Printing Office. "In this sort of an investigation," said Mr. Graham, "it is in the interest of truth to make haste slowly at the outset."

Falls Into the Sea.

DOVER, England, Aug. 15.—O. C. Morrison, the aviator, was rescued from the English channel two miles out from Sandgate. His monoplane plunged into the sea while he was attempting an air passage to France. A boat reached him just as the machine was sinking.

Seth Bullock, of North Dakota, today asked the President to visit that State. Bullock was one of Colonel Roosevelt's first friends and was United States marshal under the former President. Mr. Taft has replied that he will go to North Dakota on the coming trip in September and will try to visit the towns Mr. Bullock is interested in.

President Taft did not make the consular nominations today, as was expected. There is a long list of changes in this service pending with the President, and the State Department, and many promotions will be the result. A number of appointments will be made from private life.

Capt. Bradley A. Fiske, of the navy, was promoted to rear admiral, and a number of lieutenant colonels were nominated to be colonels.

### Benefit Act Approved.

President Taft today approved the act of Congress to define and classify health, accident, and death benefit companies and associations doing business in the District of Columbia.

### Replies to Critics



REPRESENTATIVE J. M. GRAHAM.

## BEATTIE PICTURES DECORATE BINFORD GIRL'S CELL WALLS

**Love Tribute to Man Charged With Murder Warns Prosecution.**

By JAMES E. BREADY.

RICHMOND, Va., Aug. 15.—The walls of Beulah Binford's cell bear mute but positive evidence that "the other woman" in the Beattie murder case has lost none of her affection for Henry Clay Beattie, Jr. Forty-four pictures of Beattie are pasted on the walls. Nearly all are alike, being newspaper reprints of Beattie's face. Look where she will, save out the window, and at the ceiling the visage confronts her of the man for whom she said she would willingly go to the electric chair if he only could.

Knowing that her love of Beattie still burns the prosecution will handle her pretty carefully when she is on the stand. She could not, of course, volunteer evidence, but care will be exercised to enter on no theme which might be cocked up in jail for another three weeks or so, though I have been well treated while here. It is rather confining, though."

In striking sympathy with her protest against the prison irksomeness are two novels which lay with other books on the top of the bureau in her cell—"The Open Window" and "Prisoners of Hope."

Henry Clay Beattie, Jr., held a long conversation this morning with his sister, Miss Hazel Beattie, with Jailer Garnett insisting on being present. But by court order Mr. Garnett was forced to fade away a little later when Harry M. Smith went to the jail with a detective named Kidd, in employ of Mr. Smith. The other day Mr. Smith wanted to take Kidd into the jail to see Beattie and to talk about the defense, but Garnett would not let him do so unless he "were present." Mr. Smith brought the matter up before Judge Watson in court and a peremptory order to Garnett was issued.

Counsel for defense visibly enjoyed himself this morning when he passed Kidd in and ushered out Garnett.

Like Having a Joy Ride.  
"The automobile ride was a real joy," said she this morning. "I wish I were going to ride out and back every day during the trial. I am sorry that I shall be kept coked up in jail for another three weeks or so, though I have been well treated while here. It is rather confining, though."

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## THIRTY KILLED BY LAVA FLOW FROM VOLCANO

**Tourists Trapped When Mt. Asama-Yahama Bursts Into Eruption.**

**SMOTHERED BY GAS, ESCAPE IMPOSSIBLE**

Visitors to Japanese Resort Were Near Summit, Others Are Saved.

TOKIO, Aug. 15.—More than thirty persons, half of whom are believed to have been foreign tourists, were probably burned to death on the slopes of Mt. Asama-Yahama, usually a passive volcano, about ninety miles from this city, when it suddenly burst into violent eruption today.

The volcano has been one of the big points of interest to visitors to Japan's leading summer resort, Karuizawa, and the tourists who are believed to have lost their lives today were from that place.

There is a well-traveled road extending from the bottom and winding along the sides of the mountain almost to the crater.

Sudden Rain of Lava.

Parties of tourists were toiling up this road when there came a sudden rumbling, followed by a terrific explosion and hundreds of tons of molten lava poured from the top of the mountain through the many fissures on the sides.

All the parties lower down on the mountain escaped. Abandoning their effects, they fled in terror and were soon out of harm's way. Two big parties, however, were nearly at the summit, and it is believed they were overwhelmed by the gaseous smoke and their bodies incinerated in the molten lava.

The identity of the tourists has not been learned, but it is believed they were Europeans.

## Admiral Togo Sees Uncle Sam's Big Ships

NEW YORK, Aug. 15.—More sightseeing was the program for Admiral Togo today. He was first taken to the Brooklyn Navy Yard and there given an opportunity to look over some of Uncle Sam's biggest sea fighters. He then was whisked back to Manhattan over the Brooklyn bridge, in which he displayed unusual interest the night he landed, and it was planned to take him through the Hudson river tubes, and show him other sights of the metropolis.

## Would Teach "Little Mothers" Baby Care

Following the plan adopted in New York, Health Officer Woodward today suggested the establishment of schools for "little mothers," where girls twelve years old and upward may be taught the care of babies.

The opening by George M. Oyster, Jr., of seven milk stations where pure milk may be obtained by the poor of the city without cost, is responsible for Dr. Woodward's suggestion. It is his opinion that to establish a school for the care of babies at each of these stations with the trained nurse in charge as teacher, would result in a still greater reduction in infant mortality in the District.

## Killed by Accidental Discharge of a Gun

Accidentally discharging a gun while pulling it out of a boat last night, Morgan Ryan, an employee of the Navy Yard, of 625 C street southeast, shot and killed himself.

Ryan and a companion had been on the Potomac river to the home of Ryan's father, J. W. Ryan, at Bowie, Md. The charge entered the abdomen. His companion summoned Dr. W. H. Gibbons, but when the physician arrived the young man was dead. Funeral services will be conducted at St. Thomas Church in Broom. Ryan was nineteen years old, and a machinist.

## Last Minute News Told in Brief

HIGH IN RIFLE SHOOT.

CAMP PERRY, Ohio, Aug. 15.—In the Wimbledon Cup match, which Capt. Guy Emerson, of Ohio, last year's winner, won by a 58 score, Lieut. Thomas Brown, of Washington, landed eighteenth in the field of 246, scoring 94. Capt. F. W. Holt was twenty-first, with 94; Lieut. Ralph Alderman thirtieth, 93; Lieut. Thomas McAnally, forty-fifth, 92.

BLAST KILLS TWELVE.

KARS, Russia, Aug. 15.—While demonstrating a new rifled cannon, designed to throw shells with a new powerful explosive, here, the shell exploded, tearing the steel gun to pieces

and killing a dozen soldiers. The officer in command tried to kill himself because of the accident.

ADJOURNMENT DATE.

Senator Penrose (Rep., Pa.) today introduced a concurrent resolution proposing that Congress adjourn at 2 p. m. on August 24. Its introduction was the first formal action taken in either branch of Congress to bring the session to an end.

MANDAMUS CASE DELAYED.  
Another postponement, until Friday, was taken in the District Supreme Court before Justice Barnard in the

mandamus suit of the Southwestern Insurance Company, of Oklahoma, against Superintendent Ingham, District insurance officer, to compel issuance of a license to the Oklahoma concern in Washington.

WOMAN SUES CAR LINE.  
Five thousand dollars damages are asked against the Washington Railway and Electric Company by Annie Lambden in a suit filed in the District Supreme Court. She declares she was thrown from a street car by its premature starting January 9 at Seventh and G streets northwest, receiving injuries requiring eight stitches in her scalp.

## WILEY DIFFICULTY MAY BE SOLVED BY DISMISSING MCCABE

**Solicitor's Persistent Suppression of Part of Letter on Dr. Rusby Would Furnish Cause.**

**GIVES ADMINISTRATION A SCAPEGOAT FOR "WAY OUT"**

### Developments Today in Wiley Investigation

Solicitor McCabe, in Wiley inquiry, is charged with suppressing highly important parts of letters, so that his superiors had an incomplete record on which to act in deciding to "fire" Wiley and Rusby.

President Taft said to be very angry over latest developments. McCabe gives the "lie direct" while testifying today.

Dr. Wiley takes the stand, but does not get his testimony under way. He will occupy the stand tomorrow.

Attorneys for Wiley launch into the effort to prove that Secretary Wilson and Attorney General Wickersham were misled by a doctored record from the McCabe personnel committee.

Dr. Wiley was called just a few moments before the hearing concluded. He was sworn, told his name and something about the length of his service in the Bureau of Chemistry. His testimony will consume the session tomorrow and perhaps another day as well, and is expected to be highly sensational.

## KNEE CAUSES POPE A RESTLESS NIGHT; REMAINS CHEERFUL

**Physicians Say He Will Gather Strength When Pain Leaves.**

ROME, Aug. 15.—Pope Pius passed a restless night because of the pain in his knee, which was recently operated on. His physicians say he is no worse, and if he can be relieved of the pain he will quickly gather his strength.

The Pontiff today expressed the belief he would soon be able to resume his regular routine.

## Mgr. Falconio Says Reports of Pontiff's Health Are Baseless

That dispatches from Rome to the effect that Pope Pius X is in dangerous condition are greatly exaggerated, and to a large extent baseless, is the opinion of Mgr. Diomede Falconio, Papal delegate to the United States. The delegate this morning said he did not seriously consider the reports that His Holiness is near death's door.

Through his secretary, Monsignor Falconio said: "The fact that neither the Papal secretary of state nor any other Vatican official has informed me that the condition of the Pope is perilous, is positive proof to my mind that the published reports are exaggerated."

"As yet I have received no official communication from the Vatican relative to Pope Pius' receding strength. Should his condition be serious there is no doubt but what I would be notified."

"The silence on the part of the officials respecting information to be sent to the Vatican representatives throughout the world is indicative that the Pope is in no immediate danger."

## Hitchcock Has Plan to Save Nine Millions

In a report made by Postmaster General Hitchcock to Speaker Clark today regarding the actual cost of handling mail, it was shown that some of the roads are carrying the mail at a loss, while others, particularly the larger systems, are deriving huge revenues from their contracts.

The Postmaster General recommends the adoption of a basis of payment according to the actual space occupied by the mails while en route. He says such a readjustment would save the Government \$9,000,000 annually.

By JUDSON C. WELLIVER.

The suppression of a part of a letter relating to the appointment of Dr. H. H. Rusby in the Bureau of Chemistry, appears to have been the very crux of the conspiracy to drive Dr. Harvey W. Wiley out of the bureau.

The significance of this suppression was developed before the Moss investigating committee today.

When today's sitting of the committee was concluded, it was freely predicted that the Gordian knot had been cut; that the "way out" of the Wiley difficulty, which the Administration has been diligently seeking, had been found.

Solicitor George P. McCabe, who is charged with the persistent suppression of this very essential part of the letter, is expected to be dismissed from the service. McCabe could, by this procedure, be made the scapegoat for the whole affair.

Wickersham Defended.

In defense of Attorney General Wickersham and Secretary Wilson, it can be urged that they never had an opportunity to know the whole facts. In the case, because the suppressed portion of the Bigelow-Rusby letter was absolutely essential to a full understanding of it. With this essential part denied to them, they can be held to have acted fairly upon the record before them, and Mr. McCabe must then be held either to have committed an error, which the President might see fit to condone, or to have distorted and maltreated the record and suppressed essential facts from the knowledge of his superiors, which would be difficult to excuse.

In any case, at the close of today's testimony the impression was strong among persons who have been following the hearings' developments that Mr. McCabe was left in a position in which it will be possible for the Administration to unload the entire blame on him, if it chooses so to do.

In this connection it was reported that President Taft, having learned that the suppressed portion of a letter was of the utmost importance, is highly indignant, and is disposed to center his ire upon the man who shall be found responsible for sending to the Secretary of Agriculture, to the Attorney General, and to himself a mutilated record.

The Suppressed Parts.

The case is a curious one. On January 31, last, when the question of fixing compensation for Dr. Rusby was under consideration, Dr. W. D. Bigelow, chief of the division of foods, wrote Dr. Rusby a letter suggesting a plan for arranging the matter. The parts of this letter which afterward were suppressed, and disappeared from the records on which Secretary Wilson and Attorney General Wickersham acted, and on which the President was expected to act, are set in capital letters:

"Washington, Jan. 31, 1911.—Dr. H. H. Rusby, Newark, N. J.: Dear Dr. Rusby: I HAVE BEEN LOOKING INTO THE QUESTION OF HAVING YOUR APPOINTMENT CHANGED SO AS TO TREAT YOU MORE FAIRLY. CONSIDERING ALL THE KINDS OF WORK YOU DO AN APPOINTMENT TO COVER THEM WITH REMUNERATION ON DIFFERENT BASIS FROM EACH KIND OF WORK APPEARS TO BE SO COMPLICATED THAT I FEAR WE WOULD HAVE DIFFICULTY GETTING IT THROUGH. THE REFERENCE BOARD IS NOW APPOINTED AT AN ANNUAL SALARY OF \$10,000."

(Continued on Ninth Page.)

### IN CONGRESS TODAY

SENATE.  
Foreign Relations Committee adopts report giving reasons for modifying arbitration treaties.  
Privileges and Elections Committee decides on subcommittee of five to investigate the case of Stephen D. Duggan. Conference report on the wool bill will be taken up today.  
Resolution introduced for adjournment August 26.

HOUSE.  
Bill for regulation of Metropolitan Coach Company favorably reported.  
Senator Fomere put on Privileges and Elections Committee.

The House received a message from the President vetoing the Arizona and New Mexico Statehood bills. Representative Graham defended the course of the investigating committee in the Controller Bay controversy. The committee investigating the Wiley controversy continued its hearing.

White House Callers.

SENATORS.  
Townsend, Mich. Kern, Ind. Smith, Mich.

REPRESENTATIVES.  
Goeke, Ohio. Moore, Pa. Good, Iowa. Smith, Mich. Fickett, Iowa. Martin, S. Dak. Campbell, Kan. Witherspoon, Miss.